

PRISONER'S CIVIL RIGHTS COMPLAINT (Rev. 05/2015)

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF TEXAS
HOUSTON DIVISION**

Bennie Charles Phillips, Jr.
18514479

Plaintiff's Name and ID Number

Joe Corley Detention Facility, Conroe Texas, 77301

Place of Confinement

CASE NO. _____
(Clerk will assign the number)

VS

Joe Corley detention Facility at
500 Hilbig Road, Conroe Texas 77301

Defendant's Name and Address

United States Marshal Service at
515 Rusk Avenue, Suite 10017 Houston TX 77002

Defendant's Name and Address

INSTRUCTIONS - READ CAREFULLY

NOTICE:

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSESIDE OR BACK SIDE OF ANY PAGE. ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.**

United States Courts
Southern District of Texas
FILED

OCT 19 2018

David J. Bradley, Clerk of Court

3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.

4. When these forms are completed, mail the original and one copy to the clerk of the United States district court for the appropriate district of Texas in the division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. If you are confined in the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID), the list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate district court, the division and an address list of the divisional clerks.

FILING FEE AND *IN FORMA PAUPERIS* (IFP)

1. In order for your complaint to be filed, it must be accompanied by the statutory filing fee of \$350.00 plus an administrative fee of \$50.00 for a total fee of **\$400.00**.

2. If you do not have the necessary funds to pay the fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis*, setting forth information to establish your inability to prepay the fees and costs or give security therefore. You must also include the certificate of inmate trust account, also known as *in forma pauperis* data sheet, from the law library at your prison unit.

3. The Prison Litigation Reform Act of 1995 (PLRA) provides "...if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." See 28 U.S.C. § 1915. Thus, the court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the court will apply 28 U.S.C. § 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your inmate trust account, until the entire \$350.00 statutory filing fee has been paid. (The \$50.00 administrative fee does not apply to cases proceeding *in forma pauperis*.)

4. If you intend to seek *in forma pauperis* status, do not send your complaint without an application to proceed *in forma pauperis* and the certificate of inmate trust account. Complete all essential paperwork before submitting it to the court.

CHANGE OF ADDRESS

It is your responsibility to inform the court of any change of address and its effective date. Such notice should be marked "**NOTICE TO THE COURT OF CHANGE OF ADDRESS**" and shall not include any motion for another relief. Failure to file a NOTICE TO THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.

I. PREVIOUS LAWSUITS:

- A. Have you filed *any* other lawsuit in state or federal court relating to your imprisonment?
 YES X NO
- B. If your answer to "A" is "yes," describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)
1. Approximate date of filing lawsuit: N/A
 2. Parties to previous lawsuit:
 Plaintiff(s): N/A
 Defendant(s): N/A
 3. Court: (If federal, name the district; if state, name the county)
N/A
 4. Case Number: N/A
 5. Name of judge to whom case was assigned: N/A
 6. Disposition: (Was the case dismissed, appealed, still pending?) N/A
 7. Approximate date of Disposition: N/A

II. PLACE OF PRESENT CONFINEMENT: JOE CORLEY DETENTION FACILITY

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted all steps of the institutional grievance procedure? ✓ YES NO
 Attach a copy of your final step of the grievance procedure with the response supplied by the institution.
N/A

IV. PARTIES TO THIS SUIT:

A. Name and address of plaintiff:

Bennie Charles Phillips, Jr.
500 Hilbry Road
Conroe TX 77301

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1:

Randy Tate : employed as a warden in Joe Corley Detention ,
locked me up in a disciplinary confinement for no reason claiming
that he was instructed to do so by defendant # 2 .

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.
 Defendant #2:

Mr. John Doe : employed as a U.S. Marshals, Houston Division ,
confirmed the cruel and unusual punishment and thereby
advising me to must plead guilty or suffer the consequences

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.
Defendant #3:

N/A

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.
Defendant #4:

N/A

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.
Defendant #5:

N/A

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

V.

STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

Complaint for cruel & UN usual punishment

This complaint is filed on this day 07, of October, 2018 because the identified or summoned Individuals representing the above corporations did knowingly and maliciously subjected me to Cruel & UN usual punishment under the power of their corporations just because I refused to Plead guilty in the criminal case number 4:17-cr-00007 of which allegedly placed me under their jurisdiction, as a supposed pre-trial detainee.

This is not a complaint to debate or argue about the power or immunity of these summoned Identified but rather to tell this court that no matter how it is weighed, the law forbids these Summoned corporation to abuse their jurisdiction by retaliating under the power of their office

just because I refused to compromise in the case number 4:17-cr-00007.

To be concise, on about early September, 2018 till present, just because the prosecution of Case number 4:17-cr-00007 are frustrated of compelling me to must plead guilty for about 2yrs Now and I still refused, they must have ordered the summoned identified corporations whom am In their care to be physical & cruel towards me which I need not to reach a fact on that because That is why this complaint is filed.

The warden of Joe Corley Facility Mr. Randy Tate just one day decided to put me in a Disciplinary administrative segregation and restricting from all privileges that I am entitled to As a pre-trial detainee and ~~the~~ this harsh punishment would be indefinite until my ongoing criminal case which the prosecution has refused me a trial of right, is adjudicated.

So when I questioned him, he answered call the marshals, when I insisted, he brought a U.S Marshal Representative who confirmed the order and the representative said "You better resolve your Disagreement with the prosecution otherwise, you will remain in a tough living condition" I was shocked but did not have to reach a resolution on that, however as the cruel & UN usual Punishment towards me was indeed malicious and collusive.

My frustration is very simple: If the court ignores my situation, there is a foreseeable possibility that these summoned corporations would jeopardize my life safety but most fundamentally, these Cruel & UN usual treatment has caused an everlasting/traumatizing damage to my mental and physical health which cannot be remedy or overruled in a hurry.

Wherefore I demand justice. Thank you and I hope this court carries out this obligation.

VI. RELIEF:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

I want this court to issue an immediate release order from detention's disciplinary custody and restores all my supposed privileges as a pre-trial detainee.

I want a punitive damage of 9,000,000 USD if defendants lose at trial

And I demand compensatory damage of 3,000,000 USD which is negotiable if defendants want to settle out of court.

PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury that all facts presented in this complaint and attachments thereto are true and correct.
2. I understand, if I am released or transferred, it is my responsibility to keep the court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions or appeals (from a judgment in a civil action) in a court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire filing fee and costs assessed by the court, which shall be deducted in accordance with the law from my inmate trust account by my custodian until the filing fee is paid.

Signed on this 09 day of OCTOBER, 2018.



(Signature of Plaintiff)

Bernice Phillips #18514479
500 Hilbig Rd
Joe Corley Dentation
Conroe, Tx 77301

United States Court
Southern District of Texas
FILED

OCT 19 2018

David J. Bradley, Clerk of Court

THIS LEGAL MAIL HAS
NOT BEEN INSPECTED

Legal Mail

ATTACHED TO
NOV 19 OCT 2018M



Office of the Clerk
United States District Court
Southern District of Texas
Post Office Box 61010
Houston, Tx. 77208